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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,393	07/30/2002	Patrick Lincoln	100696.0011US1	4739

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EXAMINER

BATURAY, ALICIA

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,393

Applicant(s)

LINCOLN ET AL.

Examiner

Alicia Baturay

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06272005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-21 are pending.

Specification

2. The specification is objected to because of the following informalities: On page 1, line 10, Applicant states, "...a single server will become inundated with requests for *aresource*." It is believed Applicant meant to write "...a single server will become inundated with requests for *a resource*" Additionally, on page 10, line 20, Applicant states, "...any given server to a plurality of servers, *whichare* geographically distributed." It is thought Applicant meant to write "...any given server to a plurality of servers, *which are* geographically distributed." Finally, on page 4, line 17, Applicant states, "...a directory hosting computer 30, may host a resource directory 22." It is thought Applicant meant to write "...a directory hosting computer 20, may host a resource directory 22." Appropriate corrections are required.
3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on pages 1 and 2. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
4. The use of the trademark EMC has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

5. Claim 8 is objected to because of the following informalities: on page 12, Applicant states "an additional resource computer is located *is located*..." It is suggested that the second recitation of "is located" be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8, 12, 13, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolff (U.S. 6,067,545).

8. With respect to claim 1, Wolff teaches a method of recruiting a resource, comprising:

Establishing a communications link between a requesting computer and a providing computer that is not controlled by the requesting computer (Wolff, col. 5, lines 16-22); and

the requesting computer and the providing computer negotiating a condition under which the providing computer provides the resource to the requesting computer (Wolff, col. 5, lines 23-36).

9. With respect to claim 2, Wolff teaches the invention described in claim 1, including the method where the requesting computer is located at a distance of at least 1 kilometer from the providing computer (Wolff, Fig. 1C; col. 7, lines 59-62).
10. With respect to claim 3, Wolff teaches the invention described in claim 1, including the method where the requesting computer and the providing computer are not both members of a single local area network (Wolff, Fig. 1C; col. 7, lines 59-62).
11. With respect to claim 4, Wolff teaches the invention described in claim 1, including the method where the step of negotiating comprises negotiating a compensation rate for the use of the resource (Wolff, col. 5, lines 25-33).
12. With respect to claim 5, Wolff teaches the invention described in claim 1, including the method where the step of negotiating comprises negotiating a subject matter to which the resource will be applied (Wolff, Fig. 5D; col. 23, lines 25-27).

13. With respect to claim 6, Wolff teaches the invention described in claim 1, including the method where the step of negotiating comprises negotiating a percent of availability of the resource at the providing computer (Wolff, col. 24, lines 46-50).
14. With respect to claim 7, Wolff teaches the invention described in claim 1, including the method where the step of negotiating comprises negotiating another condition under which an additional resource computer provides another resource to the requesting computer (Wolff, Fig. 1A; col. 4, lines 61-62).
15. With respect to claim 8, Wolff teaches the invention described in claim 6, including the method where an additional resource computer is located at a distance of at least 1 kilometer from the requesting computer (Wolff, Fig. 1C; col. 7, lines 59-62).
16. With respect to claim 12, Wolff teaches the invention described in claim 1, including the method further comprising the providing computer listing the resource on a directory of available resources (Wolff, col. 9, lines 34-44).
17. With respect to claim 13, Wolff teaches the invention described in claim 12, including the method further comprising the providing computer listing the condition on the directory of available resources (Wolff, Fig. 5A; col. 20, lines 40-47).

18. With respect to claim 16, Wolff teaches the invention described in claim 1, including the method where the step of negotiating occurs automatically without any direct human intervention (Wolff, col. 5, lines 25-33).
19. With respect to claim 17, Wolff teaches the invention described in claim 1, including the method further comprising the requesting computer broadcasting a recruitment message (Wolff, col. 5, lines 44-45).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 9-11, 14, 15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff and further in view of Lipa et al. (U.S. 6,061,722).

Wolff teaches the invention substantially as claimed including a system for distributing I/O requests among various servers on a network (Wolff, see Background of the Invention).

22. With respect to claim 9, Wolff teaches the invention described in claim 1, including the requesting computer and the providing computer negotiating a condition under which the

providing computer provides the resource to the requesting computer (Wolff, col. 5, lines 23-36).

Wolff does not explicitly teach the use of ratings information.

However, Lipa teaches the method further comprising:

The requesting computer obtaining an item of ratings information about the providing computer from a directory hosting computer (Lipa, col. 6, lines 63-67); and the requesting computer executing a first program code that determines an extent to which the requesting computer interacts with the providing computer based at least in part upon the obtained item of ratings information (Lipa, col. 7, lines 37-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wolff in view of Lipa in order to enable the use of ratings information. One would be motivated to do so in order to allow the client to assess the quality of the server in which the resource is connected.

23. With respect to claim 10, Wolff teaches the invention described in claim 9, including the method where the item of ratings information relates to a job previously executed by the providing computer with respect to at least one of a satisfaction value, a promptness value, a recency value, a reliability value, a type of work value, and a compensation value (Wolff, col. 20, lines 27-30).

24. With respect to claim 11, Wolff teaches the invention described in claim 9, including the requesting computer and the providing computer negotiating a condition under which the

providing computer provides the resource to the requesting computer (Wolff, col. 5, lines 23-36).

Wolff does not explicitly teach the use of ratings information.

However, Lipa teaches the method where the step of negotiating includes the requesting computer using the item of ratings information obtained from the directory hosting computer to negotiate with the providing computer (Lipa, col. 7, lines 59-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wolff in view of Lipa in order to enable the use of ratings information. One would be motivated to do so in order to allow the client to assess the quality of the server in which the resource is connected.

25. With respect to claim 14, Wolff teaches the invention described in claim 12, including the method further comprising a hosting computer hosting the directory (Wolff, col. 6, line 38-46).

Wolff does not explicitly teach the use of ratings information.

However, Lipa teaches associating ratings with the providing computer (Lipa, col. 6, lines 63-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wolff in view of Lipa in order to enable the use of ratings information. One would be motivated to do so in order to allow the client to assess the quality of the server in which the resource is connected.

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26. With respect to claim 15, Wolff teaches the invention described in claim 12, including the method further comprising a hosting computer hosting the directory (Wolff, col. 6, line 38-46).

Wolff does not explicitly teach the use of ratings information.

However, Lipa teaches the method further comprising the providing computer additionally listing an item of ratings information on the directory (Lipa, col. 7, lines 37-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wolff in view of Lipa in order to enable the use of ratings information. One would be motivated to do so in order to allow the client to assess the quality of the server in which the resource is connected.

27. With respect to claim 18, Wolff teaches a directory of computer controlled resources, comprising:

A plurality of resource descriptions (Wolff, col. 9, lines 34-36); at least one condition for use of each of the plurality of resource descriptions (Wolff, col. 5, lines 23-36).

Wolff does not explicitly teach the use of ratings information.

However, Lipa teaches at least one item of ratings information for each of the plurality of resource descriptions, where the at least one item of ratings information is used by a requesting computer to negotiate with a providing computer (Lipa, col. 7, lines 59-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wolff in view of Lipa in order to enable the use of ratings information.

One would be motivated to do so in order to allow the client to assess the quality of the server in which the resource is connected.

28. With respect to claim 19, Wolff teaches the invention described in claim 18, including the directory where the condition relates to at least one resource availability factor selected from: Available time, subject matter restriction, task priority, compensation, and likelihood of downtime (Wolff, Fig. 5D; col. 23, lines 25-27).

29. With respect to claim 20, Wolff teaches the invention described in claim 18, including at least one condition for use of each of the plurality of resource descriptions (Wolff, col. 5, lines 23-36).

Wolff does not explicitly teach the use of ratings information.

However, Lipa teaches the directory where the condition comprises an authorization for the requesting computer to report to a directory hosting computer another item of ratings information regarding an interaction between the requesting computer and the providing computer (Lipa, col. 9, line 62 – col. 10, line 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wolff in view of Lipa in order to enable the use of ratings information. One would be motivated to do so in order to allow the client to assess the quality of the server in which the resource is connected.

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30. With respect to claim 21, Wolff teaches the invention described in claim 18, including the directory where the item of ratings information includes at least one of a satisfaction value, a promptness value, a recency value, a reliability value, a type of work value, and a compensation value (Wolff, col. 20, lines 27-30).

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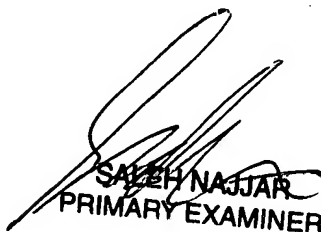
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
July 21, 2005


SALEH NAJJAR
PRIMARY EXAMINER